Remarks

The Office Action mailed April 3, 2007 and made final has been carefully reviewed and the foregoing amendments have been made in consequence thereof.

Claims 1-11, 20-32, and 48 are pending in this application. Claims 1-11, 20-32, and 48 stand rejected. Claims 12-19, 33-35, and 37-47 have been withdrawn from consideration. Claim 36 has been cancelled. No new matter has been added.

The rejection of Claims 1-11, 20-32, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Pope et al. (U.S. Pub. No. 2002/0178190) ("Pope") in view of Broadbent et al. (U.S. Pub. No. 2001/0047326) ("Broadbent") is respectfully traversed.

Applicants respectfully submit that neither Pope nor Broadbent, considered alone or in combination, describe or suggest the claimed assembly production system. As discussed below, at least one of the differences between the cited references and the present invention is that neither Pope nor Broadbent, considered alone or in combination, describe or suggest a document assembly production system that includes a server configured to prompt a user to select a template from the plurality of templates, each template is associated with a class of document to be assembled for a type of transaction and each document class includes a plurality of document types, and wherein the server is further configured to display document structure questions, the document structure questions identify a predetermined plurality of contractual provisions that the user can select from for inclusion within the assembled document.

Notably, throughout the Office Action, the Examiner asserts that the document type as taught by Pope is equivalent to the class of documents as recited in Claim 1. Applicants respectfully traverse this assertion and submit that even if the document type as taught by Pope is analogous to the class of documents as recited in Claim 1, Pope still does not describe nor suggest a server configured to select a template that is associated with a class of documents

wherein each document class includes a plurality of document types. In other words, the selection section for identifying a type of correspondence described in Pope does not describe or suggest both (1) a template associated with a class of document to be assembled for a type of transaction, and (2) a document class having a plurality of document types typically associated with the corresponding transaction type. The single element described in Pope (i.e., document selection section for identifying a type of correspondence) cannot be relied upon to teach two different elements of the present application (i.e., a class of documents and a plurality of document types). Accordingly, Applicants submit that Pope does not describe or suggest at least a document class including a plurality of document types typically associated with completing the corresponding transaction type.

Applicants also submit that neither Pope nor Broadbent, considered alone or in combination, describe or suggest a plurality of document types, wherein *each document type represents specific contractual provisions typically associated with completing the corresponding transaction type*. Rather, Pope only describes a system for automatically generating correspondence documents and Broadbent describes a system for preparing a task list for a loan process.

Moreover, neither Pope nor Broadbent describe or suggest a document assembly production system that includes a server configured to display document structure questions on the remote computer wherein the document structure questions displayed are controlled by logic and conditions imbedded in the selected template and are displayed in a tree format and wherein *the document structure questions identify a predetermined plurality of contractual provisions that the user can select from for inclusion within the assembled document, the document structure questions linked to specific document types representing the predetermined plurality of contractual provisions, wherein by responding to the document structure questions the user includes the selected contractual provisions within the assembled document to complete the document type.*

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The Office Action asserts that Broadbent describes document structure questions prompting a user to identify specific document types representing specific contractual provisions. Applicants respectfully traverse this assertion. As discussed below, Broadbent describes a system used in the mortgage industry for generating and monitoring a set of required procedures involved in moving and tracking a mortgage loan including generating a set of required tasks for use in managing the mortgage loan process. Broadbent describes input screens for prompting a borrower to input data relating to a mortgage loan. These input screens may include a list of questions. However, Broadbent does not describe or suggest a document assembly production system that includes a server configured to display document structure questions on a remote computer wherein the document structure questions displayed are controlled by logic and conditions imbedded in a selected template and wherein the document structure questions identify a predetermined plurality of contractual provisions that the user can select from for inclusion within the assembled document. Broadbent also does not describe or suggest that document structure questions are linked to specific document types representing the predetermined plurality of contractual provisions, wherein by responding to the document structure questions the user includes the selected contractual provisions within the assembled document to complete the transaction type.

Pope describes a web-based system that automatically integrates mainframe and client-server data into automatically generated business letters and other types of correspondence that can be edited and then sent from a business enterprise to its customers. The data that can be automatically integrated into the generated correspondence includes customer-specific data, as well as data identifying the author of the letter. In addition, the system provides for the inclusion of the enterprise's logo and watermark and a graphical image of author's signature in the generated document, as well as automated faxing, e-mailing, and printing of the document.

More specifically, Pope describes a system that includes a personal computer operated by an employee of a business organization. In generating correspondence, the employee enters

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suitable inputs into a web page that is displayed on the computer monitor. These inputs include, for example, the desired style of the document to be generated, a description of the type of document to be generated, and information identifying the customer to whom the correspondence is to be addressed. Once the information has been entered into the web page, the back-end of the system generates the requested document in the form of a Microsoft Word document, which is displayed to the user. Depending upon the style selected by the user, this document may be on letterhead, may bear a watermark, and may also bear a graphical image of a signature. The user edits the document, if needed. Once the document is in final form, the user then provides an input to the system, causing the system to complete the processing of the document. The system may, at the user's option, email or fax the document to a designated recipient. Alternatively, the document may be printed out in hard copy form at a local or network printer for mailing to the addressee using conventional mail.

Broadbent describes a system used in the mortgage industry for combining a lender's Loan Application System with an automated Compliance Engine used for generating and monitoring a set of required procedures involved in moving and tracking a mortgage loan through one or more of the steps of `originate`, `approve`, `close`, `fund`, and `ship`. The system uses Federal, State, local and professional regulations and requirements and implementing instructions to generate a plurality of tasks which can be used to control and drive the process of handling a mortgage loan application to completion and settlement in accordance with these regulations. Mortgage loan requestors may specify that the system will generate the plurality of required tasks, including tasks required by applicable federal or state law, provide the plurality of required tasks to the requester for his execution, and monitor the completion of all required tasks so as to provide a completion certificate to the requestor. Notably, Broadbent describes a system for preparing a task list by selecting a subset of tasks from the list of *all task definitions known by the Automated Compliance System* rather than displaying document structure questions controlled by logic and conditions imbedded in a selected template.

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Claim 1 recites a document assembly production system that includes a server having a plurality of templates and other document assembly assets including a plurality of input documents stored therein, and includes at least one remote computer configured to communicate with the server directing the server to access the plurality of templates and the other assembly assets to assemble fully formatted documents without using any document-assembly software and word processing software stored on the at least one remote computer. The server is configured to: "prompt a user through the at least one remote computer to select a template from the plurality of templates, each template is associated with a class of document to be assembled for a type of transaction, wherein each document class includes a plurality of document types, each document type represents specific contractual provisions typically associated with completing the corresponding transaction type, each template includes logic for controlling a structure of the assembled document wherein the logic controls displaying document structure questions and identifying input documents used for performing the document assembly…display document structure questions on the remote computer, wherein the document structure questions displayed are controlled by logic and conditions imbedded in the selected template and are displayed in a tree format, the document structure questions identifying a predetermined plurality of contractual provisions that the user can select from for inclusion within the assembled document, the document structure questions linked to specific document types representing the predetermined plurality of contractual provisions, wherein by responding to the document structure questions the user includes selected contractual provisions within the assembled document to complete the transaction type…receive a response for each document structure question displayed, wherein the document structure responses determine the document types included within the assembled document…identify pre-assigned, modifiable input documents from the plurality of input documents compatible with the selected template and the document structure responses for generating the documents to be assembled, the identified input documents including data fill-points…display transaction questions on the remote computer, wherein the transaction questions displayed are controlled by logic and conditions imbedded in the selected template and the document structure responses…receive a response for each transaction question

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displayed, wherein the transaction responses populate the data fill-points included within the identified input documents…and generate the assembled document based on the identified input documents and the transaction responses received."

Neither Pope nor Broadbent, considered alone or in combination, describe or suggest a document assembly production system as recited in Claim 1. More specifically, neither Pope nor Broadbent, considered alone or in combination, describe or suggest a server configured to prompt a user to select a template from a plurality of templates and display document structure questions, wherein the document structure questions displayed are controlled by logic and conditions imbedded in the selected template and are displayed in a tree format, the document structure questions identifying a predetermined plurality of contractual provisions that the user can select from for inclusion within the assembled document. Rather, in contrast to the recitations of Claim 1, Pope describes a server computer that includes document generation software that automatically generates business correspondence based upon inputs received at a personal computer in the network, wherein the inputs include a desired style of the document being generated, a description of the type of document to be generated, and information identifying the customer to who the correspondence is to be addressed and Broadbent describes a system for preparing a task list by selecting a subset of tasks from the list of all task definitions known by the Automated Compliance System rather than displaying document structure questions controlled by logic and conditions imbedded in a selected template.

Furthermore, throughout the Office Action, the Examiner asserts that the document type described by Pope is equivalent to the class of documents as recited in Claim 1. Applicants respectfully traverse this assertion and submit that even if the document type described by Pope is analogous to the class of documents as recited in Claim 1, Pope still does not describe nor suggest a server configured to select a template that is associated with a class of documents wherein each document class includes a plurality of document types. In other words, the selection section for identifying a type of correspondence described in Pope does not describe or

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suggest both (1) a template associated with a class of document to be assembled for a type of transaction, and (2) a document class having a plurality of document types typically associated with the corresponding transaction type. The single element described in Pope (i.e., document selection section for identifying a type of correspondence) cannot be relied upon to teach two different elements of the present application (i.e., a class of document and a plurality of document types).

On page 6 of the instant Office Action, the Examiner states that "Pope does not explicitly teach, but Broadbent teaches: display document structure questions on the remote computer, wherein the document structure questions displayed are controlled by logic and conditions imbedded in the selected template and are displayed in a tree format." Applicants respectfully traverse the assertion that Broadbent teaches document structure questions controlled by logic and conditions imbedded in the selected template and displayed in a tree format. Claim 1 recites document structure questions identifying a predetermined plurality of contractual provisions that the user can select from for inclusion within the assembled document. Rather, in contrast to the recitations of Claim 1, Broadbent describes a system for preparing a task list by selecting a subset of tasks from the list of *all task definitions* known by the Automated Compliance System rather than displaying document structure questions controlled by logic and conditions imbedded in the *selected template.*

Furthermore, Broadbent describes a system used in the mortgage industry for generating and monitoring a set of required procedures involved in moving and tracking a mortgage loan including generating a set of required tasks for use in managing the mortgage loan process. Broadbent describes input screens for prompting a borrower to input data relating to a mortgage loan. These input screens may include a list of questions. However, Broadbent does not describe or suggest a document assembly production system that includes a server configured to display document structure questions that identify a predetermined plurality of contractual provisions that the user can select from for inclusion within an assembled document. Broadbent

also does not describe or suggest that the document structure questions are linked to specific document types representing the predetermined plurality of contractual provisions, wherein by responding to the document structure questions the user includes the selected contractual provisions within the assembled document to complete the document type.

Applicants also submit that neither Pope nor Broadbent, considered alone or in combination, describe or suggest that *each document type represents specific contractual provisions typically associated with completing the corresponding transaction type*. Rather, Pope only describes a system for automatically generating correspondence documents and Broadbent describes a system for preparing a task list by selecting a subset of tasks from the list of all task definitions known by the Automated Compliance System. Neither Pope nor Broadbent describe or suggest assembling documents having specific contractual provisions typically associated with completing a corresponding transaction.

For at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Pope in view of Broadbent.

Claims 2-11 and 48 depend from independent Claim 1. When the recitations of Claims 2-11 and 48 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-11 and 48 likewise are patentable over Pope in view of Broadbent.

Claim 20 recites a document assembly production system that includes a server, a database coupled to the server for storing a plurality of templates and other document assembly assets including a plurality of input documents, and at least one remote computer in communication with the server. The server is configured to "prompt a user through said at least one remote computer to select a template from the plurality of templates, each template is associated with a class of document to be assembled for a type of transaction, wherein each document class includes a plurality of document types, each document type represents specific contractual provisions typically associated with completing the corresponding transaction type,

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each template includes logic for controlling a structure of the assembled document including logic for controlling displaying document structure questions and identifying input documents used for performing the document assembly...display document structure questions on said remote computer, wherein the document structure questions displayed are controlled by logic and conditions imbedded in the selected template and are displayed in a tree format...the document structure questions linked to specific document types representing predetermined contractual provisions, wherein by responding to the document structure questions the user includes predetermined contractual provisions within the assembled document...receive a response for each document structure question displayed, wherein the document structure responses determine the document types included within the assembled document...identify pre-assigned, modifiable input documents from the plurality of input documents compatible with the selected template and the document structure responses for generating the documents to be assembled, the identified input documents including data fill-points...display transaction questions on the remote computer, wherein the transaction questions displayed are controlled by logic and conditions imbedded in the selected template and the document structure responses...receive a response for each transaction question displayed, wherein the transaction responses populate the data fill-points included within the identified input documents...and generate the assembled document based on the identified input documents and the transaction responses received."

Claim 20 recites a document assembly production system that includes a server configured to perform steps essentially similar to those steps performed by the server recited in Claim 1. Thus, it is submitted that Claim 20 is patentable over Pope in view of Broadbent for at least the reasons that correspond to those given with respect to Claim 1.

Claims 21-32 depend from independent Claim 20. When the recitations of Claims 21-32 are considered in combination with the recitations of Claim 20, Applicants submit that dependent Claims 21-32 likewise are patentable over Pope in view of Broadbent.

Notwithstanding the above, Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Pope or Broadbent, considered alone or in combination, describe or suggest the claimed combination.

Applicants submit that the presently claimed invention is not obvious over Pope in view of Broadbent. The Office Action only offers the conclusory statement that:

> [i]t would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Broadbent's Automated Compliance Engine (ACE) couples Loan Fulfillment Workflow Engine into Pope's New Office Vision Application (NOVA) that automatically integrates mainframe and client-server data into automatically generated business letters and other types of correspondence (i.e. templates) wherein an input variables section appears at the bottom of the NOVA main screen; to keep the process moving and to ensure that all appropriate parties perform their assigned tasks in the proper order to meet all rules requirements applicable to the mortgage loan transaction (see Broadbent at page 3 paragraph [0027]).
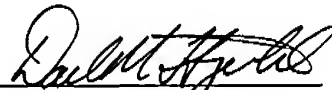
Applicants respectfully submit that Page and Broadbent are not analogous art because Page is directed toward a system for generating correspondence documents and Broadbent is directed toward a system for processing a loan. The United States Supreme Court has recently held that obviousness rejections must be supported with "articulated reasoning with some rational underpinning to support the conclusion of obviousness." See KSR International Co. v. Teleflex, Inc., slip Opinion at page 14. The present rejection does not appear to meet this standard as it reflects no articulate reasoning why the independent or dependent claims are believed to be obvious, but rather is stated in the form of a conclusion of obviousness. Applicants accordingly request specific explanation and articulation regarding the reasoning and rational underpinning for any obviousness rejection of the claims. It is not believed that adequate reasons why the presently claimed invention is believed to be obvious have been provided on the present record.

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It appears to Applicants that the present rejection reflects an impermissible attempt to use the instant claims as a guide or roadmap in formulating the rejection using impermissible hindsight reconstruction of the invention. The United States Supreme Court has recently expressed concern regarding distortion caused by hindsight bias in an obvious analysis, and notes that factfinders should be cautious of arguments reliant upon ex post reasoning. See KSR International Co. v. Teleflex, Inc., slip Opinion at page 17.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-11, 20-32, and 48 under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing amendments and remarks, all the Claims now active in the application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully Submitted,

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